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Adopted Children as Heirs

Children are rarely adopted by married couples who have children; when they are adopted they usually do not inherit under any circumstances (unless nieces or nephews) and never inherit equally with their parents' siblings. In Caticugan children are adopted by childless couples or unmarried adults. Exceptions are when one's brother's or sister's children become orphans or their parents are unable to support them. A brother or sister may then raise a niece or nephew who usually receive no share in their foster parents' property since the uterine children are the heirs.

Adoption in Caticugan is never legal in the sense that it is arranged through the courts. In Siaton poblacion only one case was reported where a childless couple legally adopted the wife's first cousin as their son. This couple also made a will leaving all their property to the adopted son. Thus adopted children are sometimes deprived of the property their foster parents may wish to leave them. For example, an adopted son of a barrio family was given a parcel of land by his foster father before his death. After the father died his children repossessed the land from the adopted son. He brought the dispute to the local court but lost his case because he could not produce legal evidence of adoption. On the other hand, there are incidents where foster parents left land to their adopted children and the uterine children respected the wishes of their deceased parents.

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Unmarried individuals or childless couples who adopt children have considerable difficulty in leaving property to them. One fairly common method was resorted to by a woman in Naga whose adopted son (her FaSiDaSo) was deeded his foster mother's property without any payment. The woman had raised the boy from infancy and wanted him to have her land but her brother and sister had protested. They had told friends that after their sister's death they would take away the land given the adopted son.

In Siaton poblacion one childless couple adopted the illegitimate child of their maid (the actual father was alleged to be the foster father's maternal uncle) and registered the child's birth in the municipio as their uterine daughter. The couple also deeded all their property to their adopted daughter, an arrangement that their brothers and sisters strongly disapproved. Often deeding land to adopted children is kept secret by foster parents "otherwise other relatives will always be pestering you not to leave your land to adopted children." Some barriofolk stated that foster parents would often like to leave property to adopted children but hesitate because they do not wish to start a quarrel among their relatives.

In a barrio near Caticugan a couple with children adopted the husband's brother's daughter. On their death, the uterine children did not give any of their parent's property to their adopted sister (i.e., first

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cousin). She complained that she had faithfully served and cared for her foster parents (her paternal uncle and aunt). If she had been a servant her "bill" would have been larger than the value of the land she requested. However, the children countered that this was her duty for her foster parents had fed and clothed her since infancy.

In Barrio Caticugan one informant's father had been adopted by his grandmother (his FaFaSi). On her death bed the woman requested that all her property be inherited by her adopted grandson (her BrSoSo), and urged that there be no dispute after her death. It was so done. When the same informant's second wife died, after a childless marriage, she made a will leaving all her property to two nieces (the daughters of a sister) she had raised from childhood. The barrio lieutenant (teniente de barrio) and all the women's other nieces and nephews (her brothers and sisters were dead) were called to the dying woman's side, and she explained her wishes. The will was witnessed and signed by the barrio lieutenant and no dispute occurred after her death.

In Naga a couple had adopted a boy unrelated to either the husband or the wife. When I asked if his adopted son would inherit equally with his uterine children, the husband replied: "I suspect my real children will object. But if my adopted son wants to get married, I will pay for all the costs, including the bride-price (hatud)." Adopted children usually receive a share in

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the movable property of their foster parents, particularly the farm animals. The logic is that "they helped care for these animals" and earned their inheritance rights.

Many barriofolk in Caticugan adopt nieces and nephews. This is understandable since relations with the families of their brothers and sisters are very close under usual circumstances. If a childless couple adopts a niece or nephew their property would be inherited by legal heirs since on their death their lands would normally go to their nieces' and nephews' parents. However, non-related or godchildren are sometimes adopted. One woman's goddaughter's mother died "before the baby was finished with the nipple." The child was adopted and raised by her childless godmother. "She had no children so she made a will [in order that the adopted girl would inherit her property] so her nieces and nephews would not molest her adopted daughter."

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Wills are rarely made in Caticugan or Siaton poblacion. The barriofolk state that "only educated people in the poblacion make wills." One old informant said "if parents made a will in the old days [that would probably be due to their desire to leave their property to others than the natural heirs] they would just be looking for trouble." Wills were made by Filipinos during pre-Hispanic times. Robertson writes that oral and written wills made were carried out strictly and never contested.